

The Gazette of India



PUBLISHED BY AUTHORITY

No. 24] NEW DELHI, SATURDAY, DECEMBER 13, 1952

PART II—Section 2

Bills and Reports of Select Committees on Bills

HOUSE OF THE PEOPLE

The following Report of the Select Committee on the Bill to provide for the readjustment of the representation of territorial constituencies in the House of the People and in the State Legislative Assemblies and the delimitation of those constituencies and for matters connected therewith, was presented to the House of the People on the 5th December, 1952:—

MEMBERS OF SELECT COMMITTEE

Shri M. Ananthasayanam Ayyangar (*Chairman*).

Shri Shankar Shantaram More.

Shri B. S. Murthy.

Shri N. C. Chatterjee.

Dr. Syama Prasad Mookerjee.

Shri Bhawanji A. Khimji.

Shri Syamnandan Sahaya.

Shri Gajendra Prasad Sinha.

Shri K. L. More.

Pandit Lingaraj Misra.

Shri Rohini Kumar Chaudhuri.

Pandit Lakshmi Kanta Maitra.

Shri Mohanlal Saksena.

Shri N. M. Lingam.

Shri Udai Shankar Dube.

Chaudhary Raghubir Singh.

Shri Nemi Chandra Kasliwal.

Shri Ranbir Singh Chaudhuri.

Shri Govind Hari Deshpande.

Sardar Amar Singh Saigal.

Shri Kotha Raghuramaiah.

Shri Krishnannacharya Joshi.
 Shri Liladhar Joshi.
 Shri A. M. Thomas.
 Shri C. R. Basapa.
 Shri C. Madhao Reddi.
 Shri Choithram Partabrai Gidwani.
 Shrimati Renu Chakravartty.
 Shri P. T. Punnoose.
 Shri Gauraj Saran Singh.
 Dr. Manik Chand Jutav-vir.
 II H. Maharaja Rajendra Narayan Singh Deo.
 Shri N. R. M. Swamy.
 Shri Radha Charan Sharma.
 Shri Ranjit Singh.
 Shri P. N. Rajabhoj.
 Shri Awadheshwar Prasad Sinha.
 Shri C. C. Biswas.

REPORT OF THE SELECT COMMITTEE

The Select Committee to which the Bill to provide for the readjustment of the representation of territorial constituencies in the House of the People and in the State Legislative Assemblies and for matters connected therewith was referred, have considered the Bill and I now submit this their report, with the Bill as amended by the Committee annexed hereto.

1. Upon the changes proposed in the Bill which are not formal or consequential, the Select Committee note as follows :—

Clause 4.—Although the power to “readjust representation” probably includes the power to delimit, in the sense of fixing the boundaries of, constituencies, and this is also expressly provided for in clause 8 of the Bill, the Committee consider it desirable to remove any doubts in the matter by stating in clause 4 itself that it shall be the duty of the Commission to delimit the various territorial constituencies.

Clause 5.—The Committee feel that as different States have varying representation in the House of the People as well as in the Legislative Assemblies and as some Part C States have no Legislative Assembly at all, the number of associate members from the States should be different according as the States are Part A States, Part B States, Part C States having Legislative Assemblies or Part C States having no such Assembly. The Committee also feel that those of the associate members who are members of the House of the People should be nominated by the Speaker of the House and those who are members of the Legislative Assembly should be nominated by the Speaker of that Assembly and that in making such nomination the Speaker should have due regard to the political composition of the House or the Assembly. In order to secure this, and at the same time avoid delay in the beginning of the commission’s work, the committee consider that the Speakers of the several Legislative Assemblies should make their nominations within one month of the coming into

force of the Act, and the Speaker of the House of the People should make his nominations thereafter but within two months of the commencement of the Act. To give effect to these decisions the Committee have substituted a new clause for this clause.

Clause 6 (new).—The Committee have inserted a new clause providing for the filling up of casual vacancies among the members of the Commission and among associate members.

Clause 7 (old clause 6).—The Committee have inserted two new sub-clauses in this clause providing that in case of difference of opinion among the members of the Commission the opinion of the majority shall prevail and that the Acts and proceedings of the Commission shall not be called in question on the ground merely of the temporary absence of a member or associate member or of the existence of a vacancy in the Commission or in any group of associate members.

Clause 8 (old clause 7).—The Committee feel that the work of the Commission should be divided into two stages. The first stage should relate to the determination on the basis of the latest census figures, of the number of seats to be allotted to each of the States in the House of the People, the number of seats to be assigned to the Legislative Assembly of each Part A State and each Part B State and the number of seats to be reserved for the Scheduled Castes and the Scheduled Tribes. The second stage should relate to the distribution of these seats to the various territorial constituencies and the delimitation of those constituencies. Before finalising its proposals in respect of each stage, the Commission should publish them in draft, invite objections and suggestions by a specified date, and for the purpose of considering the objections and suggestions so received hold one or more public sittings at such place or places as it thinks fit.

As regards the formation and delimitation of constituencies the Committee are of the view that as far as possible constituencies should be single-member constituencies except in cases where reservation has to be made for Scheduled Castes or Scheduled Tribes and for that purpose two-member constituencies may be formed. In every two-member constituency one seat should be reserved for the Scheduled Castes or for the Scheduled Tribes, and the other seat should not be reserved. Constituencies in which a seat is reserved either for the Scheduled Castes or for the Scheduled Tribes should be located in areas in which the population of those castes or those tribes is most concentrated, but in regard to Scheduled Castes care should be taken to distribute the reserved seats in different areas of the State. As far as practicable, constituencies should be formed of geographically compact areas, and in delimiting them, regard should be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience.

To give effect to these decisions the Committee have proposed a revised clause.

Clause 9 (old clause 8).—The Committee have inserted a new sub-clause providing that the final orders of the Commission should be laid before the House of the People. They have also made it clear that these orders cannot be called in question in any court.

Clause 10 (old clause 9).—With regard to the correction of clerical or arithmetical mistakes in the final orders of the Commission or of errors arising therein from any accidental slip or omission, the Committee have

decided that the Chief Election Commissioner may at any time within six months of the publication of the order may make the necessary corrections with the approval of the other members of the Commission or such of them as might be then available. The clause has been redrafted accordingly.

2. The Bill was published in Part II, Section 2 of the Gazette of India, dated the 21st June, 1952.

3. The Committee think that the Bill has not been so altered as to require circulation under Rule 94(4) of the Rules of Procedure and Conduct of Business in the House of the People and they recommend that it be passed as now amended.

M. ANANTHASAYANAM AYYANGAR,

NEW DELHI;

The 5th December, 1952.

Chairman of the Select Committee.

MINUTE OF DISSENT

The Bill proposes that the Delimitation Commission will be bound by the number of seats as allotted to the Legislative Assemblies for the Part C States in the Schedule to the Part C States Act of 1951. The Commission is however being given powers to delimit the constituencies and redistribute the seats in Part C States and the Part C States Act of 1951 is being abrogated in this respect. It will be remembered large weightage was given to the Part C States Assemblies. This was obviously intended as a temporary arrangement. We see no reason why the Delimitation Commission should be debarred from even examining the size of the Part C States Assemblies. It is time the whole question of Part C States is reviewed and the Delimitation Commission is obviously the body which should undertake this task, so that changes, if any, can be brought into effect before the next general elections fall due.

SYAMA PRASAD MOOKERJEE,

S. S. MORE.

N. C. CHATTERJEE

CHOITHRAM P. GIDWANI,

RAJENDRA NARAYAN SINGH DEO.

RENU CHAKRAVARTY.

P. T. PUNNOOSE.

B. S. MURTHY.

N. R. M. SWAMY.

P. N. RAJABHOJ.

NEW DELHI;

The 5th December, 1952.

[AS AMENDED BY THE SELECT COMMITTEE]

(Words underlined or side-lined indicate the amendments suggested by the Committee.)

BILL NO. 53A OF 1952

A Bill to provide for the readjustment of the representation of territorial constituencies in the House of the People and in the State Legislative Assemblies and the delimitation of those constituencies and for matters connected therewith.

BE it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Delimitation Commission Act, 1952.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(a) “article” means an article of the Constitution;

(b) “Commission” means the Delimitation Commission constituted under section 3;

(c) “latest census figures” mean the census figures as ascertained at the census held in 1951;

(d) “member” means a member of the Commission and includes the Chairman.

3. **Constitution of Delimitation Commission.**—(1) As soon as may be after the commencement of this Act, the Central Government shall constitute a Commission to be called the Delimitation Commission which shall consist of three members as follows:—

(a) two members, each of whom shall be a person who is or has been a Judge of the Supreme Court or of a High Court, to be appointed by the Central Government, and

(b) the Chief Election Commissioner, *ex-officio*.

(2) The Central Government shall nominate one of the members appointed under clause (a) of sub-section (1) to be the Chairman of the Commission.

4. **Duties of the Commission.**—It shall be the duty of the Commission to readjust the representation of the several territorial constituencies in the House of the People and of the several territorial constituencies in the Legislative Assembly of each State other than Jammu and Kashmir, on the basis of the latest census figures and to delimit the said constituencies.

5. **Associate members.**—(1) For the purpose of assisting the Commission in the readjustment of the representation and in the delimitation of the territorial constituencies, both for the House of the People and the Legislative Assembly, if any, in each State other than the State of Jammu and Kashmir and the State of Bilaspur, the Commission shall associate with itself from that State—

(a) if it is a Part A State, seven persons, three of whom shall be members of the House of the People representing that State and four shall be members of the Legislative Assembly of that State;

(b) if it is a Part B State, five persons, two of whom shall be members of the House of the People representing that State and three shall be members of the Legislative Assembly of that State;

(c) if it is a Part C State having a Legislative Assembly, three persons one of whom shall be a member of the House of the People representing that State and two shall be members of the Legislative Assembly of that State; and

(d) if it is a Part C State having no Legislative Assembly, two persons who shall be the members of the House of the People representing that State.

(2) The persons to be so associated from each State (hereinafter referred to as "associate members") shall be nominated, in the case of members of the House of the People, by the Speaker of that House, and in the case of members of a Legislative Assembly, by the Speaker of that Assembly, having due regard to the composition of the House, or as the case may be, of the Assembly.

(3) The first nominations to be made under sub-section (2)—

(a) shall be made by the Speakers of the several Legislative Assemblies within one month, and by the Speaker of the House of the People within two months, of the commencement of this Act, and

(b) shall be communicated to the Chief Election Commissioner, and where the nominations are made by the Speaker of a Legislative Assembly, also to the Speaker of the House of the People.

(4) None of the associate members shall have a right to vote or to sign any decision of the Commission.

6. Casual vacancies.—If owing to death or resignation the office of the Chairman or of a member or of an associate member falls vacant, it shall be filled as soon as may be practicable by the Central Government or the Speaker concerned under and in accordance with the provisions of section 3 or, as the case may be, of section 5.

7. Procedure and Powers of the Commission.—(1) The Commission shall determine its procedure and shall in the performance of its functions have all the powers of a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), while trying a suit, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of witnesses;
- (b) requiring the production of any document; and
- (c) requisitioning any public record from any court or office.

(2) The Commission shall have power to require any person to furnish any information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, any matter under the consideration of the Commission.

(3) The Commission may authorise any of its members to exercise any of the powers conferred on it by clauses (a) to (c) of sub-section (1) and sub-section (2), and any order made or act done in exercise of any of those powers by the member authorised by the Commission in that behalf shall be deemed to be the order or act, as the case may be, of the Commission.

(4) If there is a difference of opinion among the members, the opinion of the majority shall prevail, and acts and orders of the Commission shall be expressed in terms of the views of the majority.

(5) The Commission as well as any group of associate members shall have power to act notwithstanding the temporary absence of a member or associate member or the existence of a vacancy in the Commission or in that or any other group of associate members; and no act or proceeding of the Commission or of any group of associate members shall be invalid or called in question on the ground merely of such temporary absence or of the existence of such vacancy.

(6) The Commission shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

Explanation.—For the purposes of enforcing the attendance of witnesses the local limits of the jurisdiction of the Commission shall be the limits of the territory of India.

8. Manner of making readjustment and delimitation.—(7) The Commission shall, in the manner herein provided, first determine on the basis of the latest census figures—

(a) the number of seats to be allotted to each of the States in the House of the People and the number of seats, if any, to be reserved for the scheduled castes and for the scheduled tribes of the State, and in doing so, shall have regard to the provisions of article 81 and article 330; and

(b) the number of seats to be assigned to the Legislative Assembly of each Part A State and of each Part B State other than Jammu and Kashmir, and the number of seats, if any, to be reserved therein for the scheduled castes and the scheduled tribes of the State, and in doing so, shall have regard to the provisions of article 170 and article 332, and shall also ensure that the total number of seats assigned to the Legislative Assembly of a State forms an integral multiple of the total number of seats allotted to that State in the House of the People:

Provided that no reduction shall be made in the number of seats in the House of the People at present allotted to any Part C State which has no Legislative Assembly.

(2) The Commission shall, in the manner herein provided, then distribute the seats allotted to each of the States other than Jammu and Kashmir in the House of the People, the seats assigned to the Legislative Assembly of each Part A State and of each Part B State other than Jammu and Kashmir, and the seats allotted to the Legislative Assemblies of certain Part C States under section 3 of the Government of Part C States Act, 1951 (XLIX of 1951), to territorial constituencies and delimit them in accordance with the provisions of the Constitution and of the said section 3 on the basis of the latest census figures, and in doing so, the Commission shall have regard to the following provisions, namely —

(a) all constituencies shall be either single-member constituencies or two-member constituencies;

(b) wherever practicable, seats may be reserved for the scheduled castes or for the scheduled tribes in single-member constituencies;

(c) in every two-member constituency, one seat shall be reserved either for the scheduled castes or for the scheduled tribes, and the other seat shall not be so reserved;

(d) constituencies in which a seat is reserved either for the scheduled castes or for the scheduled tribes shall, as far as practicable, be located in areas in which the population of the scheduled castes or, as the case may be, of the scheduled tribes is most concentrated; and

(e) all constituencies shall, as far as practicable, consist of geographically compact areas, and in delimiting them, regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience.

(3) First in respect of the determination of numbers under sub-section (1), and then again in respect of the distribution of seats and delimitation of constituencies under sub-section (2), the Commission shall—

(a) publish its proposals, together with the dissenting proposals, if any, of an associate member who desires publication thereof, in the Gazette of India and Official Gazettes of all the States concerned and also in such other manner as it thinks fit;

(b) specify a date on or after which the proposals will be further considered by it;

(c) consider all objections and suggestions which may have been received by it before the date so specified, and for the purpose of such consideration, hold one or more public sittings at such place or places as it thinks fit; and

(d) thereafter, determine the matters referred to in sub-section (1) or, as the case may be, in sub-section (2) by one or more final orders.

9. Readjustment of representation and the date of operation of such readjustment.—(1) The Commission shall cause each of its final orders to be published in the Gazette of India; and upon such publication, the order shall have the full force of law and shall not be called in question in any court.

(2) As soon as may be after such publication, every such order shall be laid before the House of the People.

(3) Subject to the provisions of sub-section (4), the readjustment of the representation of the several territorial constituencies in the House of the People or in the Legislative Assembly of a State and the delimitation of those constituencies provided for in any such order shall apply in relation to every election to the House of the People or to the Legislative Assembly of such State, as the case may be, held after the publication in the Gazette of India of that order, and shall so apply in supersession of the provisions relating to such representation contained in the Representation of the People Act, 1950 (XLIII of 1950), the Government of Part C States Act, 1951 (XLIX of 1951) and the orders made under either of the said Acts.

(4) Nothing in this section shall affect the representation in the House of the People or in the Legislative Assembly of a State until the dissolution of the House or the Assembly, as the case may be, existing on the date of publication in the Gazette of India of the order made by the Commission under sub-section (1) relating to the readjustment of such representation.

10. Amendment of orders of the Commission.—At any time within six months of the date of publication in the Gazette of India of any order of the Commission under sub-section (1) of section 9, any clerical or arithmetical mistake in the order and any error arising therein from an accidental slip or omission may be corrected by the Chief Election Commissioner by order made with the previous approval of the other members of the Commission or of such of them as may be then available and published in the Gazette of India.

M. N. KAUL,
Secretary.

COUNCIL OF STATES

The following Bill was introduced in the Council of States on the 8th December 1952:—

BILL No. V OF 1952

THE FACTORIES (AMENDMENT) BILL, 1952

A Bill further to amend the Factories Act, 1948

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Factories (Amendment) Act, 1952.

2. Amendment of Section 2, Act LXIII of 1948.—In clause (m) of section 2 of the Factories Act, 1948, the words "or a railway running shed" shall be omitted

STATEMENT OF OBJECTS AND REASONS

Under clause (m) of section 2 of the Factories Act, 1948, railway running sheds have been exempted from the operation of the Factories Act, although the said establishments are in every respect full-fledged factories. The experience of the last four years shows the exemption is an unfair hardship to the several thousands of workers employed therein in the matter of overtime allowances and some other privileges recognised in the Act.

S. GURUSWAMI

S. N. MUKERJEE,
Secretary

